

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JO-ANN FIELDS, individually and on	)	8:04CV554
behalf of CAMERON FIELDS and	)	
CHERISH FIELDS, minor children,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
vs.	)	
	)	
OMAHA HOUSING AUTHORITY	)	
and BRAD ASHFORD,	)	
	)	
Defendants.	)	

Pursuant to the recorded telephone hearing held on Friday afternoon, September 15, 2006, and for the reasons more particularly articulated on that record,

IT IS ORDERED that:

1. Plaintiff's motion for discovery sanctions (filing 87) is granted in part and denied in part, as follows:
  - a. Defendants will be precluded from raising any foundational objections regarding the late-produced documents or any of the exhibits on the exhibit list that are of a similar character without a showing that the receipt of a particular document into evidence would result in manifest injustice. Plaintiffs are given leave to supplement the exhibit list by adding to that list the late produced documents.

- b. The jury will be informed that Defendants did not comply in a timely manner with the court's order to produce documents.
  - c. Defendants shall make a reasonable effort to produce for inspection by plaintiffs' counsel the original five files from which the late-produced documents were obtained and they shall do this by noon on Monday, September 18, 2006 at a place convenient to all parties.
  - d. Plaintiffs are awarded an attorney fee of \$1,200.00.
  - e. In all other respects the motion is denied.
2. Defendants' motion to quash subpoenas duces tecum (filing 90) is granted with the understanding that Defendants will produce the four witnesses, who were the subject of the subpoenas, for trial at a time reasonably convenient to Plaintiffs. However, those witnesses shall not be required to bring documents with them.

September 15, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge